

HOUSE BILL NO. 250

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE MCCABE

Introduced: 1/12/24

Referred: Prefiled

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to municipal and school board elections; declaring Election Day a**
2 **holiday; relating to terms of office for municipal mayors, municipal governing bodies,**
3 **elected utility boards, and school boards; and providing for an effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 14.08.061(a) is amended to read:

6 (a) Members elected to a regional school board shall serve **four-year**
7 [STAGGERED THREE-YEAR] terms. However,

8 (1) the term of office of all of the members of a regional school board
9 elected from the same multi-member section may not expire at the same time; and

10 (2) for the first board elected, the term of office of each member shall
11 be determined by lot, according to the following schedule:

12 (A) the members of the first five-member school board shall
13 hold office for terms as follows: **three members** [ONE MEMBER] for a **four-**
14 **year** [ONE-YEAR] term **and** [;] two **members** for a two-year term [AND

1 TWO FOR A THREE-YEAR TERM];

2 (B) the members of the first seven-member school board **shall**
 3 hold office for terms as follows: **four** [TWO] members for a **four-year** [ONE-
 4 YEAR] term **and three members** [; TWO] for a two-year term [AND THREE
 5 FOR A THREE-YEAR TERM];

6 (C) the members of the first nine-member school board **shall**
 7 hold office for terms as follows: **five members** [THREE] for a **four-year**
 8 [ONE-YEAR] term **and four members** [; THREE] for a two-year term [AND
 9 THREE FOR A THREE-YEAR TERM];

10 (D) the members of the first 11-member school board **shall**
 11 hold office for terms as follows: **six members** [THREE] for a **four-year**
 12 [ONE-YEAR] term **and five members** [, FOUR] for a two-year term [AND
 13 FOUR FOR A THREE-YEAR TERM].

14 * **Sec. 2.** AS 14.08.071(b) is amended to read:

15 (b) Except for the first election of regional school board members under (a) of
 16 this section, elections shall be held [ANNUALLY] on the [FIRST] Tuesday **after the**
 17 **first Monday in November of each even-numbered year** [IN OCTOBER]. Elections
 18 shall be supervised by the director of elections in the office of the lieutenant governor,
 19 but shall be administered within second class cities as part of the regular municipal
 20 election. The lieutenant governor shall adopt regulations for the conduct of the
 21 election of regional school board members comparable, as far as practicable, to those
 22 prescribed for election of school board members under AS 14.12 and AS 29.20.300
 23 except that the majority election requirements of AS 29.26.060 do not apply to, nor
 24 may the regulations require runoff elections for, the first election of regional school
 25 board members under (a) of this section or, if a school board by resolution so requests,
 26 to subsequent elections in the regional educational attendance area served by that
 27 school board.

28 * **Sec. 3.** AS 14.08.071(e) is amended to read:

29 (e) The lieutenant governor may provide for the election of an advisory school
 30 board established under AS 14.08.115. An election conducted under this subsection
 31 shall be held on the [FIRST] Tuesday **after the first Monday in November of each**

1 even-numbered year [IN OCTOBER]. The lieutenant governor may adopt
2 regulations governing an election conducted under this subsection.

3 * **Sec. 4.** AS 14.12.050(a) is amended to read:

4 (a) The term of office of a member of a borough or city school board is **four**
5 [THREE] years and until a successor takes office. However, the members of a newly
6 created five-member school board hold office for initial terms as follows: **three**
7 **members** [TWO] for a term of **four** [THREE] years **and** [,] two **members** for a term
8 of two years, [AND ONE FOR A TERM OF ONE YEAR,] the terms being assigned
9 to the members by lot. The members of a newly created seven-member school board
10 hold office for initial terms as follows: **four members** [THREE] for a term of **four**
11 [THREE] years **and three members** [, TWO] for a term of two years, [AND TWO
12 FOR A TERM OF ONE YEAR,] the terms being assigned to the members by lot.

13 * **Sec. 5.** AS 14.12.050(b) is amended to read:

14 (b) When a transition is made from a five-member school board to a seven-
15 member school board, the length of the terms of office for the two new members to be
16 elected shall be determined by lot, **one member for a term of four years and one**
17 **member for a term of two years** [SO THAT WHEN THE TERMS OF OFFICE FOR
18 THE TWO NEW MEMBERS ARE ASSIGNED, THE TERMS OF OFFICE FOR
19 THE ENTIRE SEVEN-MEMBER BOARD SHALL BE AS FOLLOWS: THREE
20 MEMBERS HAVE A THREE-YEAR TERM, TWO MEMBERS HAVE A TWO-
21 YEAR TERM, AND TWO MEMBERS HAVE A ONE-YEAR TERM. A SEVEN-
22 MEMBER SCHOOL BOARD, THE TERMS OF OFFICE OF WHOSE MEMBERS
23 AT THE TIME OF TRANSITION FROM A FIVE-MEMBER BOARD DID NOT
24 RESULT IN TERMS EXPIRING IN THE MANNER PROVIDED IN THIS
25 SECTION, MAY, BY RESOLUTION ADOPTED BY A MAJORITY OF THE
26 MEMBERS OF THE BOARD, ADJUST THE TERMS OF OFFICE TO CONFORM
27 TO THE SCHEDULE FOR EXPIRATION OF TERMS OF OFFICE PROVIDED IN
28 THIS SECTION].

29 * **Sec. 6.** AS 29.04.040(d) is amended to read:

30 (d) The council shall, within 30 days after receiving notification from the
31 Local Boundary Commission that a petition has been accepted, order an election on

the question of reclassification. The election shall be held at least 30 days after the order and not later than either the next regular election occurring after the 30-day period or 180 days after the 30-day period, whichever is earlier. If more than one question is to be voted on at the election, each shall appear separately on the ballot.

* **Sec. 7.** AS 29.05.120(f) is amended to read:

(f) The initial elected members of the governing body shall determine by lot the length of their terms of office so that as close as possible to a proportionate number of terms expire each even year, resulting in staggered terms of office for members subsequently elected.

* **Sec. 8.** AS 29.20.070(b) is amended to read:

(b) Not later than either the first regular election that occurs after adoption of a final state redistricting plan under art. VI, sec. 10, Constitution of the State of Alaska, or 180 days after the adoption, whichever is earlier, the assembly shall propose and submit to the voters of the borough, at that regular election or at a special election called for the purpose, one or more forms of assembly representation. The forms of representation that the assembly may submit to the voters are:

(1) election of members of the assembly at large by the voters throughout the borough;

(2) election of members of the assembly by district, including

(A) election at large by the voters throughout the borough, but with a requirement that a candidate live in an election district established by the borough for election of assembly members; or

(B) election from election districts established by the borough for the election of assembly members by the voters of a district;

(3) election of members of the assembly both at large and by district.

* **Sec. 9.** AS 29.20.150(a) is amended to read:

(a) A member of the governing body is elected for a four-year [THREE-YEAR] term and until a successor qualifies [, UNLESS A DIFFERENT TERM NOT EXCEEDING FOUR YEARS IS PRESCRIBED BY HOME RULE CHARTER OR ORDINANCE].

* **Sec. 10.** AS 29.20.230(a) is amended to read:

(a) The mayor of a borough or first class city is elected at large. The mayor of a borough or first class city serves a term of **four** [THREE] years [, UNLESS BY ORDINANCE A DIFFERENT TERM NOT TO EXCEED FOUR YEARS IS PROVIDED. THE CURRENT TERM OF AN INCUMBENT MAYOR MAY NOT BE ALTERED]. The regular term of a mayor of a borough or first class city begins on the first Monday following certification of the election.

* **Sec. 11.** AS 29.20.300(a) is amended to read:

(a) Each municipal school district has a school board. Except as provided in (b) of this section, members of a school board are elected at the regular election for **four-year** [THREE-YEAR] terms and until their successors take office. Members are elected at large unless a different method of election has been approved by the voters in a regular election.

* **Sec. 12.** AS 29.20.310(b) is amended to read:

(b) As determined by ordinance, members of a utility board are either appointed by the mayor and confirmed by the governing body or [ARE] elected at a regular election. The term of a utility board member is two years and until a successor is selected and qualifies. [HOWEVER, THE GOVERNING BODY MAY BY ORDINANCE PROVIDE FOR A DIFFERENT TERM NOT TO EXCEED FOUR YEARS. THE CURRENT TERM OF AN ELECTED INCUMBENT MAY NOT BE ALTERED.]

* **Sec. 13.** AS 29.26.040 is amended to read:

Sec. 29.26.040. Date of regular election. The date of a regular election is the [FIRST] Tuesday **after the first Monday in November of each even-numbered year** [OF OCTOBER ANNUALLY, UNLESS A DIFFERENT DATE OR INTERVAL OF YEARS IS PROVIDED BY ORDINANCE].

* **Sec. 14.** AS 29.26.170(a) is amended to read:

(a) Unless substantially the same measure is adopted, when a petition seeks an initiative vote, the clerk shall submit the matter to the voters at the next regular election or, if already scheduled, special election occurring not sooner than 60 days after certification of the petition. If no election is scheduled to occur within 75 days after the certification of a petition and the governing body determines it is in the best

interest of the municipality, the governing body may by ordinance order a special election to be held on the matter before the next election that is already scheduled, but not sooner than 60 days after certification of the petition. **If no election is scheduled to occur within 180 days after the certification of a petition, the governing body shall by ordinance order a special election to be held on the matter not sooner than 60 days after certification of the petition and not later than 180 days after certification of the petition.**

* Sec. 15. AS 29.26.180(a) is amended to read:

(a) Unless the ordinance or resolution is repealed, when a petition seeks a referendum vote, the clerk shall submit the matter to the voters at the next regular election or, if already scheduled, special election occurring not sooner than 60 days after certification of the petition. If no election is scheduled to occur within 75 days after certification of a petition and the governing body determines it is in the best interest of the municipality, the governing body may by ordinance order a special election to be held on the matter before the next election that is already scheduled, but not sooner than 60 days after certification of the petition. **If no election is scheduled to occur within 180 days after the certification of a petition, the governing body shall by ordinance order a special election to be held on the matter not sooner than 60 days after certification of the petition and not later than 180 days after certification of the petition.**

* Sec. 16. AS 29.71.800(21) is amended to read:

(21) "regular election" means the municipal election held on the [FIRST] Tuesday **after the first Monday in November of each even-numbered year** [OF OCTOBER ANNUALLY, OR ON A DIFFERENT DATE OR INTERVAL OF YEARS PROVIDED BY ORDINANCE OR CHARTER];

* Sec. 17. AS 44.12.010(a) is amended to read:

(a) The following days are legal holidays:

- (1) the first of January, known as New Year's Day;
- (2) the third Monday of January, known as Martin Luther King, Jr.'s Birthday as provided in (b) of this section;
- (3) the third Monday in February, known as Presidents' Day;

- (4) the last Monday of March, known as Seward's Day;
- (5) the last Monday in May, known as Memorial Day;
- (6) the fourth of July, known as Independence Day;
- (7) the first Monday in September, known as Labor Day;
- (8) the 18th of October, known as Alaska Day;
- (9) the 11th of November, known as Veterans' Day;
- (10) the fourth Thursday in November, known as Thanksgiving Day;
- (11) the 25th of December, known as Christmas Day;
- (12) every Sunday;
- (13) every day designated by public proclamation by the President of the United States or the governor of the state as a legal holiday;

(14) the Tuesday after the first Monday in November of each even-numbered year, known as Election Day.

* **Sec. 18.** AS 29.20.150(b) is repealed.

* **Sec. 19.** The uncoded law of the State of Alaska is amended by adding a new section to read:

TRANSITION. (a) An election for each municipal mayor and each member of a regional school board, advisory school board, borough or city school board, elected utility board, or municipal governing body shall occur on November 3, 2026.

(b) The terms of office for officials elected in the November 3, 2026, election, as required by (a) of this section, shall be determined as follows:

(1) for members of a regional school board, the terms shall be determined in the same manner as for first boards under AS 14.08.061(a)(2), as amended by sec. 1 of this Act;

(2) for members of a borough or city school board, the terms shall be determined in the same manner as for newly created school boards under AS 14.12.050(a), as amended by sec. 4 of this Act;

(3) for members of a municipal governing body, the terms shall be determined in the same manner as for initial elected members under AS 29.05.120(f), as amended by sec. 7 of this Act.

(c) Notwithstanding a provision of AS 14, AS 29, or a municipal law to the contrary,

1 the term of office of an incumbent municipal mayor or member of a regional school board,
2 advisory school board, borough or city school board, elected utility board, or municipal
3 governing body elected before November 3, 2026, expires not later than the Monday
4 following certification of the November 3, 2026, election for that office.

5 * **Sec. 20.** Section 19 of this Act takes effect immediately under AS 01.10.070(c).

6 * **Sec. 21.** Except as provided in sec. 20 of this Act, this Act takes effect November 3, 2026.